



DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 889
SAVANNAH, GEORGIA 31402-0889

MAY 30 2007

Regulatory Division
200501731

JOINT PUBLIC NOTICE
Savannah District/State of Georgia

The Savannah District has received an application for a Department of the Army Permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

Application Number: 200501731

Applicant: Midway Holdings, LLC
Attention: Chris Harrell
1455 Lincoln Parkway, Suite 200
Atlanta, Georgia 30346

Agent: Resource and Land Consultants
Attention: Alton Brown
125 Park of Commerce Drive, Suite D
Savannah, Georgia 31405

Location of Proposed Work: The site is located at latitude 31° 47' 36.24" north and longitude 81° 22' 56.60" west, adjacent to and north of Highway 84, and adjacent to and west of Interstate 95, in Midway, Liberty County, Georgia.

Description of Work Subject to the Jurisdiction of the US Army Corps of Engineers: To construct a mixed-use development including commercial, multifamily, and single family parcels on an approximately 380-acre site. The project would require 4.98 acres of pond fill, 1.12 acres of ditch fill, 8.71 acres of forested wetland fill, and 66.43 acres of pond excavation. To compensate for the fill of 6.1 acres of pond and ditches, the applicant is proposing the creation of 6.1 acres of additional pond and lagoon area. For impacts to 8.71 acres of forested wetland, the applicant proposes the preservation of 39.96 acres of on-site, forested wetland and the purchase of 30.6 credits from an approved mitigation bank.

For additional information, see the attached project description supplied by the applicant. The opinions, views, and/or conclusions expressed by the applicant do not necessarily reflect those of the US Army Corps of Engineers.

BACKGROUND

This Joint Public Notice announces a request for authorizations from both the US Army Corps of Engineers and the State of Georgia. The applicant's proposed work may also require local governmental approval.

STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this project at the end of 30 days in accordance with the provisions of Section 401 of the Clean Water Act, which is required by an applicant for a Federal Permit to conduct an activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354, during regular office hours. A copier machine is available for public use at a charge of 25 cents per page. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. The application can also be seen in the Savannah District US Army Corps of Engineers, Regulatory Branch, 100 West Oglethorpe Avenue, Savannah, Georgia.

State-owned Property and Resources: The applicant may also require assent from the State of Georgia which may be in the form of a license, easement, lease, permit, or other appropriate instrument.

Georgia Coastal Management Program: Prior to the Savannah District Commander making a final permit decision on this application, the project must be certified by the Georgia Department of Natural Resources, Coastal Resources Division, to be consistent with applicable provisions of the State of Georgia Coastal Management Program (15 CFR 930). Anyone wishing to comment on Coastal Management Program certification of this project should submit comments in writing within 30 days of the date of this notice to the Federal Consistency Coordinator, Ecological Services Section, Coastal Resources Division, Georgia Department of Natural Resources, One Conservation Way, Brunswick, Georgia 31523-8600 (Telephone 912-264-7218).

US ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of the applicant's proposed work, prior to a decision on issuance of a Department of the Army Permit.

Cultural Resources Assessment: Review of the latest published version of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion are located at the site or in the area affected by the proposed work. Presently unknown archaeological, scientific, prehistorical, or historical data may be located at the site and could be affected by the proposed work.

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), we have determined that the proposed project would have no effect on Federally listed threatened or endangered species with the exception of the wood stork. There are no known wood stork rookeries within the project boundaries. However, wood stork foraging may occur within, or adjacent to, the project area. It should be noted that foraging

habitat for wood stork is found throughout the coastal counties of Georgia. Given the extent and close proximity of habitat available for wood stork foraging, we have determined that the project may affect, but is not likely to adversely affect the species. We request that the Department of the Interior, Fish and Wildlife Service provide concurrence with our effects determination for Federally listed threatened or endangered species.

At this time, we also request from the US Department of the Interior, Fish and Wildlife Service and the US Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, or any other interested party, information on whether any additional species listed or proposed for listing may be present in the area.

Public Interest Review: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

Consideration of Public Comments: The US Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the US Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army Permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Commander, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposed project.

Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to the Commander, US Army Corps of Engineers, Savannah District, Attention: Regulatory Division, P.O. Box 889, Savannah, Georgia 31402-0889, no later than 30 days from the date of this notice. Please refer to the applicant's name and the application number in your comments.

If you have any further questions concerning this matter, please contact Jeffrey K. King at (912) 652-5133.

Enclosures

1. Attachment A: Applicant's Project Narrative (4 pages)
2. Location Map (Sheet 1 of 9)
3. Vicinity Map (Sheet 2 of 9)
4. Project Map (Sheet 3 of 9)
5. Wetland Impacts (Sheet 4 of 9)
6. Wetland Impacts (Sheet 5 of 9)
7. Wetland Impacts (Sheet 6 of 9)
8. Wetland Impacts (Sheet 7 of 9)
9. Impact Summary Sheet (Sheet 8 of 9)
10. Typical Road Crossing Sections (Sheet 9 of 9)

Project Description
Liberty Gateway at Martin Plantation
Midway Holdings, LLC.
10 May 2007

1.0 INTRODUCTION:

Midway Holdings, LLC. is proposing the development of a master planned mixed use community within Midway, Liberty County, Georgia. The project site consists of 380.11 acres located adjacent to and north of U.S. Highway 84 and adjacent to and west of Interstate 95.

2.0 PROJECT PURPOSE:

The applicant has created a land plan which is consistent with other master planned developments. The land uses associated with this project generally include residential areas on the western portion of the tract and commercial/retail parcels on the eastern portion of the tract. A copy of the conceptual land use plan has been included in the application package. The overall purpose of the proposed project is to create a sustainable mixed use development on the 380 acre site.

3.0 EXISTING SITE CONDITIONS:

The project site is composed of wetland and upland habitats typical for the Liberty County and the Coastal Plain of Georgia. A wetland delineation was completed within the project area and as verified by the U.S. Army Corps of Engineers, the 380.11 acre project area contains 121.2 acres of jurisdictional waters of the U.S. including wetland. Martin Plantation was historically managed for agricultural and timber production purposes and habitats present within the project site consist of upland pine plantation, mixed pine hardwood upland, hardwood wetland, abandoned fields and recreational ponds.

Upland Pine Plantation: Portions of the upland areas were clearcut within the last year. Areas that remain forested contain a vegetation composition dominated by planted loblolly pine (*Pinus taeda*), sweet gum (*Liquidambar styraciflua*), red bay (*Persea borbonia*), American beauty berry (*Callicarpa americana*), blackberry (*Rubus spp.*), wax myrtle (*Myrica cerifera*), bracken-fern (*Pteridium aquilinum*), and cinnamon fern (*Osmunda cinnamomea*).

Mixed Pine Hardwood Upland: Forested upland areas which have not been intensively managed for pine production are dominated by a variety of over story species including live oak (*Quercus virginiana*), water oak (*Quercus nigra*), southern red oak (*Quercus falcata*), sweet gum, loblolly pine, magnolia (*Magnolia grandiflora*), and red maple (*Acer rubrum*). The understory consists of sweet pepper bush (*Clethra alnifolia*), American beauty berry, wax myrtle, fetter bush (*Lyonia lucida*), bracken fern, muscadine (*Vitis rotundifolia*), Virginia creeper (*Parthenocissus quinquefolia*), partridge berry (*Mitchella repens*), blackberry, cinnamon fern, and greenbrier (*Smilax spp.*).

Hardwood Wetland: This forested wetland habitat includes tree species such as bald cypress (*Taxodium distichum*), willow oak (*Quercus phellos*), water oak, swamp chestnut oak (*Quercus michauxii*), red maple, swamp tupelo (*Nyssa biflora*), red bay (*Persea borbonia*), sweet gum, and slash pine (*Pinus elliotii*). The average age of the mature trees is approximately 50 years or older. The understory species include fetterbush, dwarf palmetto (*Sable minor*), various sedges (*Carex spp.*), soft rush (*Juncus effusus*), lizard's tail (*Saururus cernuus*), netted chain-fern (*Woodwardia aerolata*) and Virginia chain-fern (*Woodwardia virginica*).

Abandoned Fields: The fields appear to have been abandoned for several years. Some areas have not been maintained and have naturalized with shrub species include wax myrtle, fetter-bush, and eastern false-willow (*Baccharis halimifolia*). Other areas have been mowed regularly and contain herbaceous species only and these species include Bermuda grass (*Cynodon dactylon*), Johnson grass (*Sorghum halepense*), dog-fennel (*Eupatorium*

capillifolium), broom sedge (*Andropogon virginica*), and vasey grass (*Paspalum urvillei*).

Recreational Ponds: The site contains approximately 70.76 acres of pond. It is not clear when these ponds were constructed; however, aerial photography from the early 1970's depicts these ponds as open water areas. Over the past ten years, the ponds have not been maintained and portions have become vegetated with black willow (*Salix nigra*), soft rush, lizard's tail, and cattail (*Typha latifolia*).

4.0 DEVELOPMENT PLAN:

The proposed development plan generally consists of both residential and commercial development. The site plan has been designed to position the residential areas on the western and northern portion. The commercial and retail development will occur adjacent to U.S. Highway 84 and on the eastern portion of the property within view of Interstate 95.

As depicted in the attached permit drawings, this proposed site plan requires 14.81 acres of jurisdictional area impact. The following table provides a description activity and habitat type proposed for impact.

Purpose	Activity	Habitat	Acres
Road Crossing	Fill	Wetland	1.14
Road Crossing	Fill	Pond	0.65
General Development	Fill	Wetland	7.57
General Development	Fill	Pond	4.33
General Development	Fill	Ditch	1.12
Total			14.81

In addition to the impacts identified above, the proposed project includes the excavation and maintenance of all ponds present within the tract to restore the deep open water aquatic habitat. The earliest photographs of the site which were readily available were found in the Soil & Conservation Service Soil Survey for Liberty and Long Counties and are estimated to be taken in the early 1970's. In these photographs, one can see that the entire limits of the ponds are open water and conversation with several of individuals familiar with the property indicate that these ponds were constructed and maintained as open water until the late 1980's/early 1990's. Since that time however, portions of these ponds have become vegetated due to lack of pond maintenance. The applicant is proposing to excavate/deepen these ponds to restore the open water habitat that originally existed.

5.0 ALTERNATIVES & AVOIDANCE/MINIMIZATION:

The applicant considered several sites within Liberty and McIntosh County prior to choosing the subject tract. Site selection criteria were based on availability, accessibility, development potential, location, extent of wetlands, etc. Other available properties considered during the alternative site analysis were more appealing from a residential development perspective (contained marsh views and potential water access), but these properties were relatively remote and not easily accessible. Because the subject tract is located in the northwest quadrant of Interstate 95 and U.S. Highway 84, access to this property is clearly not an issue. In addition to the residential development opportunities, this site is located at an existing interchange with incredible visibility and ideal for a successful commercial development. Due to the location of other sites, commercial development was not an option. Martin Plantation is located within the City Limits of Midway and utilities including water and sewer are available. Utilities were not readily available on other properties considered. Finally, over 50 percent of the jurisdictional areas associated with this property consist of manmade ponds and ditches. While development of this tract requires impacts to manmade ponds, ditches, and degraded wetlands impacted by historic agricultural operations, development of other properties would have required impacts to natural systems which for the most

part remained intact. Thus, the total acreage of impact to forested wetland and in one case coastal marshlands were much greater than currently proposed as part of the development of this tract. Since the site is easily accessible, located at a major interchange along Interstate 95, within the City Limits of Midway, offers available utilities, and affords both residential and commercial development opportunities and due to the condition of the jurisdictional area, this tract is the preferred alternative.

In addition to alternative tracts, the applicant considered on-site development alternatives which would avoid wetland impacts. Obviously, creation of development parcels of suitable size is required for the success of a mixed use development. The proposed plan is the result of numerous design alternatives where the applicant focused on avoiding the larger forested wetland systems. While the project requires impacts to 8.71 acres of wetland, 2.40 acres of this impact area consists of isolated wetland and 4.17 acres consist of fragmented wetlands that have been significantly disturbed by the past land use activities. Many of these wetlands contain existing ditches which were presumably constructed as part of the agricultural operation. When considering the overall development plan, location of proposed impacts compared to location and quality of preservation areas, it is the applicant's opinion that the design has avoided and minimized wetland impacts to the greatest extent practicable while still satisfying the overall project purpose.

6.0 THREATENED AND ENDANGERED SPECIES:

A threatened and endangered species survey was completed within the project area. Based on the current condition of the tract and lack of habitat typically required to support specific species, it is not anticipated that the project area supports any protected species. Thus, development of the site will not adversely impact any species listed as threatened or endangered by current state and federal regulations [Federal Endangered Species Act of 1973 (16 USC 1531-1543), the Georgia Endangered Wildlife Act of 1973, or the Georgia Wildflower Preservation Act of 1973].

7.0 CULTURAL RESOURCES:

A comprehensive Cultural Resources Survey has been conducted by Brockington and Associates, Inc. A Report of Findings titled *PHASE I CULTURAL RESOURCES SURVEY OF THE MARTIN TRACT LIBERTY COUNTY, GEORGIA* dated September 2005 has been submitted as part of this permit application for review by the U.S. Army Corps of Engineers and the State Historic Preservation Office for review. Based on the results of the survey, no sites listed or eligible for listing on the National Register of Historic Places are present within the project area and cultural resources clearance is recommended.

8.0 STORM WATER MANAGEMENT

A storm water management plan has been designed by the consulting engineer and although this plan has not been finalized, preliminary design incorporates the existing ponds and proposed lagoons. Storm water will be collected by the ponds/lagoons and will be released over a period of time as required by the local storm water management guidelines.

9.0 COMPENSATORY MITIGATION:

The proposed project requires 4.98 acres of pond fill, 1.12 acres of ditch fill, 66.43 acres of pond excavation and 8.71 acres of forested wetland. As mitigation for the unavoidable impacts, the applicant is proposing a combination of on-site and off-site mitigation.

Pond & Ditch Mitigation: As indicated above, the project includes 66.43 acres of pond excavation. Since these areas were originally constructed as open water habitat and because the excavation will not result in a loss of jurisdictional area, no mitigation for the pond excavation is proposed.

To compensate for the fill of 6.1 acres of pond and ditches, the applicant is proposing the creation of 6.1 acres of additional pond/lagoon area. Due to the current condition of the areas proposed for impact and because they

are manmade, it is the applicant's opinion that the creation of in kind habitat satisfies any mitigation requirements for these areas.

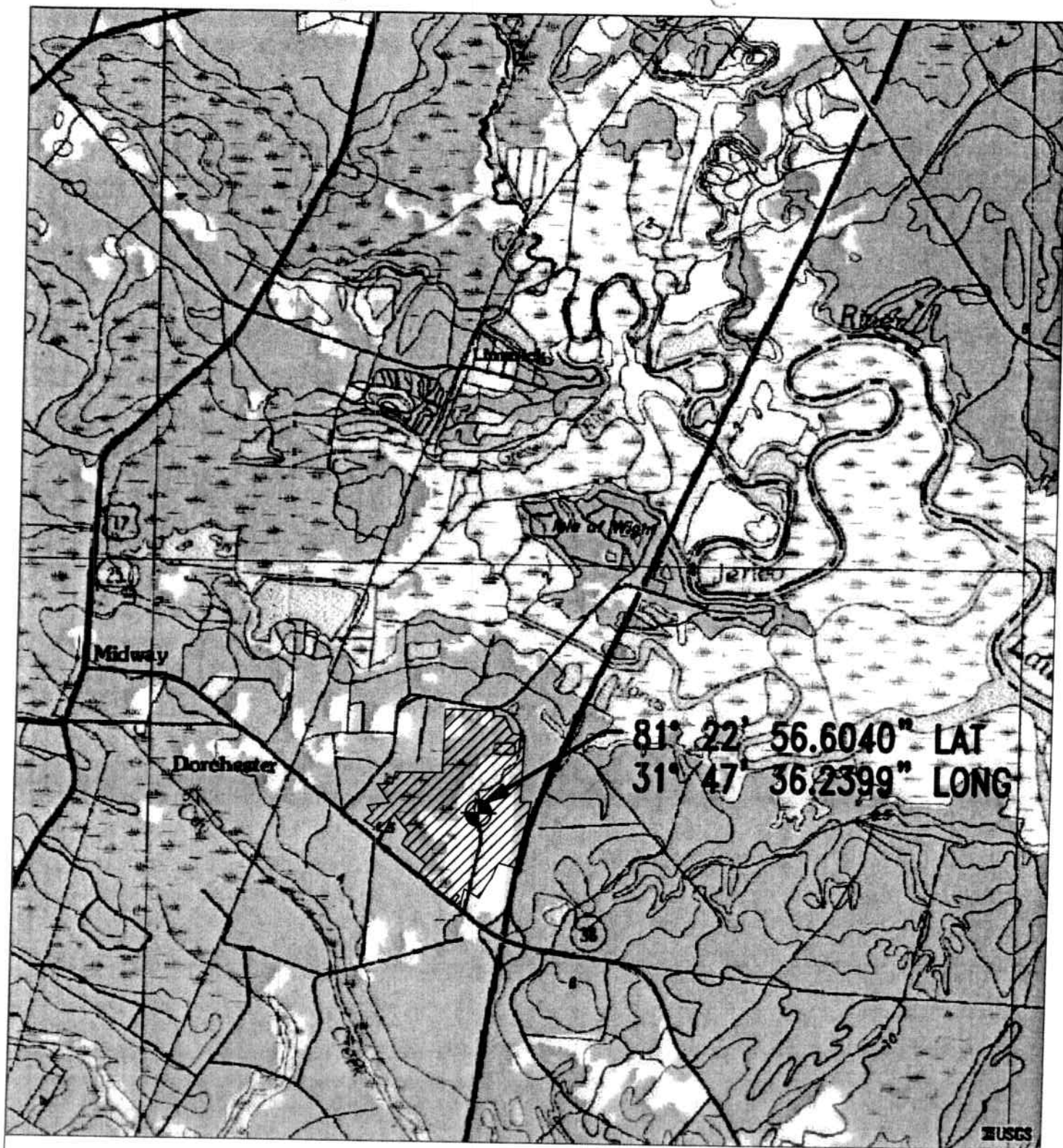
Wetland Mitigation: The attached mitigation credit worksheets indicate that 61.2 mitigation credits are required to offset the proposed 8.71 acres of forested wetland impact.

The applicant's mitigation plan includes preservation of 39.96 acres of on-site forested wetland totaling 32 credits. Upon approval of the project and prior to initiation of any permitted fill activities, the applicant will establish an irrevocable restrictive covenant on all wetlands to be preserved within the project boundaries. All preservation areas will be eventually deeded to the Property Owners Association (POA) or transferred to a preservation organization. The covenant will generally allow access for passive recreation activities, discharge of storm water, and installation of nature trails/elevated boardwalks. The covenant will specifically prohibit development activities or other disturbances not associated with passive recreation. The boundary of all preservation areas will be posted with appropriate signage that identifies preservation/conservation area.

Since opportunities for on-site wetland restoration, enhancement, and/or creation are not afforded, the applicant is proposing to purchase the remaining 30.6 credits from a USACE approved mitigation bank. Like the recording of the restrictive covenants, these credits will be purchased prior to initiation of authorized activities and a copy of the credit purchase receipt will be provided to the USACE.

10 CONCLUSION:

Midway Holdings is proposing the development of a mixed use residential and commercial community within the northwest quadrant of Interstate 95 and U.S. Highway 84. The project requires 4.98 acres of pond fill, 1.12 acres of ditch fill, 66.43 acres of pond maintenance/deepening and 8.71 acres of forested wetland. The compensatory mitigation plan includes on-site lagoon creation to offset the proposed pond and ditch fill. Wetland mitigation requirements will be satisfied thru the preservation of 39.96 acres of on-site wetland and the purchase of 30.6 credits from an approved mitigation bank. The applicant's plan avoids and minimizes wetland impacts to the greatest extent practicable while satisfying the overall project purpose.



SCALE: 1" = 4000'

LOCATION MAP **GLEBE MARTIN PLANTATION**

1359th G.M. DISTRICT, CITY OF MIDWAY
LIBERTY COUNTY, GEORGIA

Project No: 06-087
Design By: CKH
Drawn By: CNR
Checked By: CKH
Date: 4/26/07
Scale: AS SHOWN

SHEET 1 OF 9

HIGHLAND
ENGINEERING, INC.

1455 LINCOLN PARKWAY, SUITE 200
ATLANTA, GEORGIA 30346
(P) 770.396.6999 (F) 770.225.2222



SCALE: 1" = 2000'

VICINITY MAP
GLEBE MARTIN PLANTATION

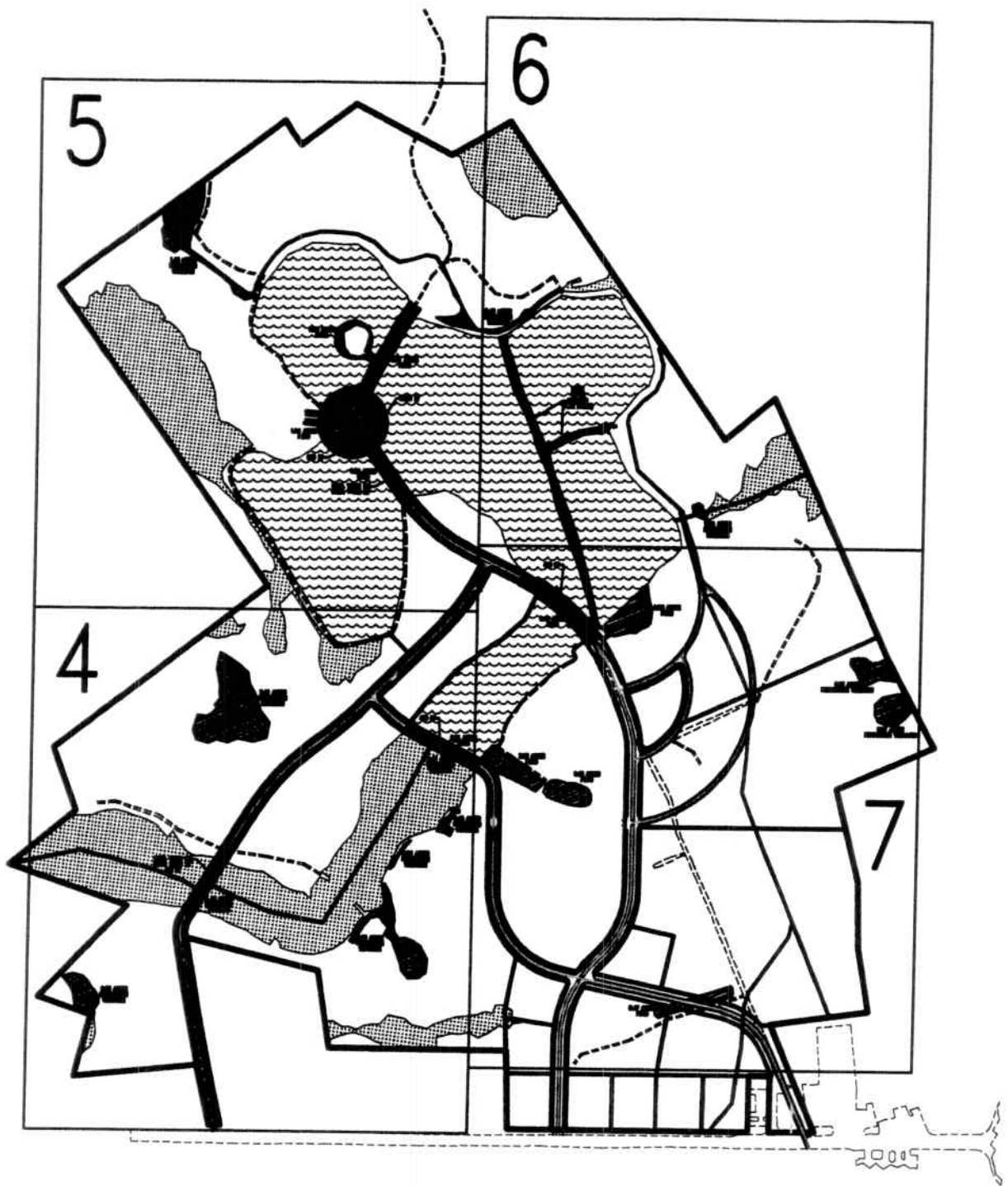
1359th G.M. DISTRICT, CITY OF MIDWAY
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SHEET 2 OF 9

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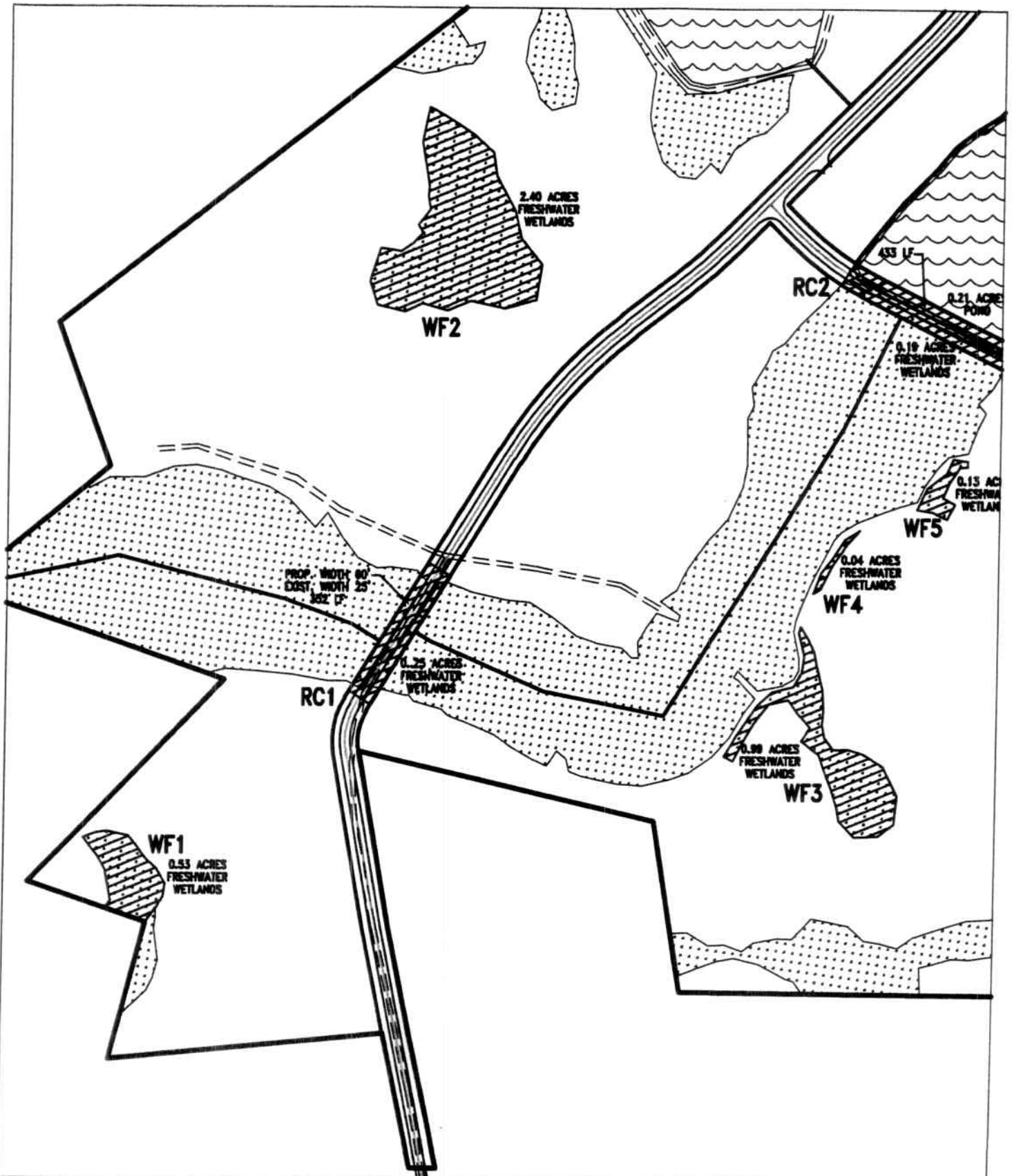
PROJECT MAP
GLEBE MARTIN PLANTATION

1359th G.M. DISTRICT, CITY OF MIDWAY
LIBERTY COUNTY, GEORGIA

Project No06-087
Design By: CKH
Drawn By: CNR
Checked By: CKH
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SHEET 3 OF 9

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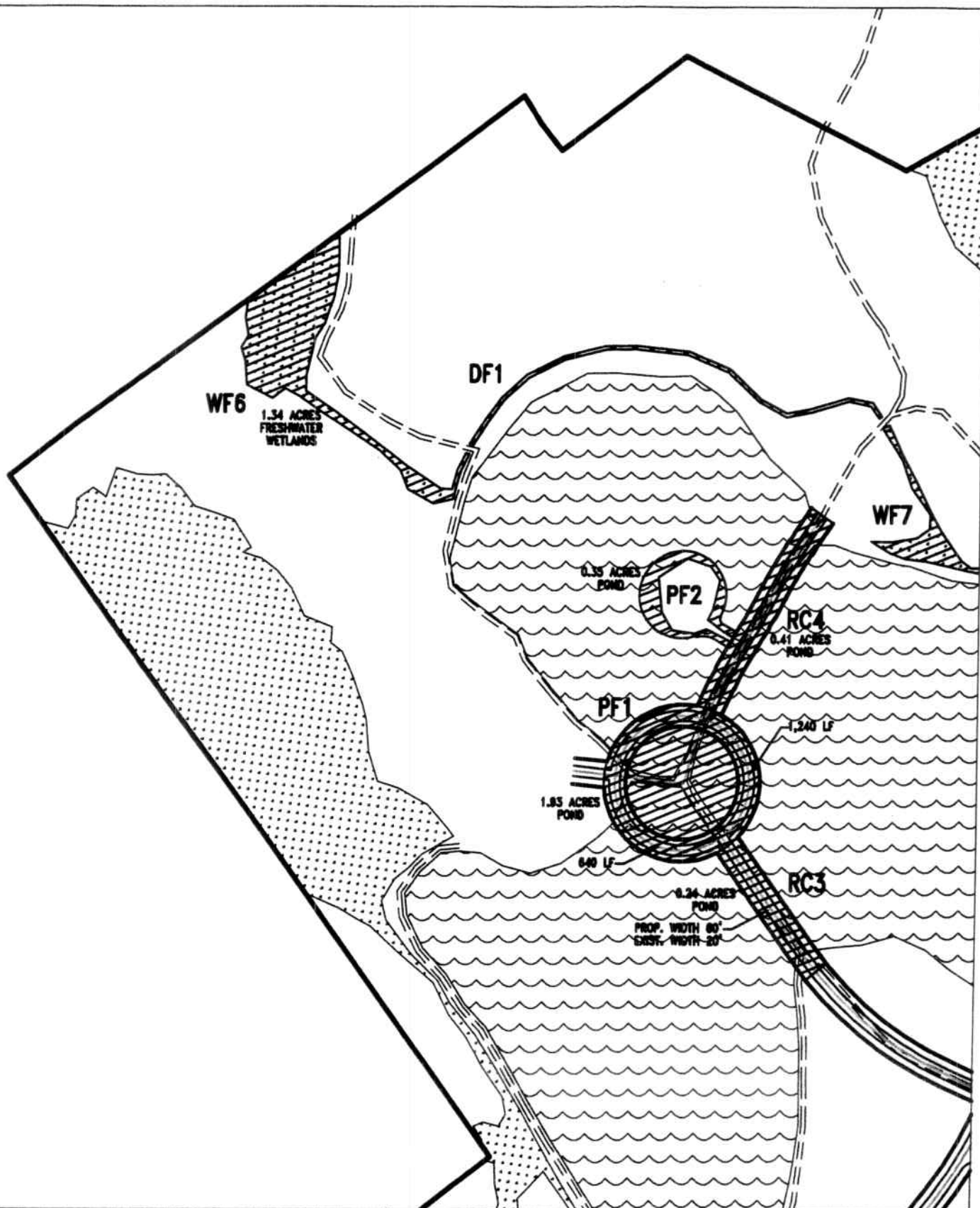
**WF1, WF2, WF3, WF4, WF5, RC1, RC2
GLEBE MARTIN PLANTATION**

1359th G.M. DISTRICT, CITY OF MIDWAY
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SHEET 4 OF 9

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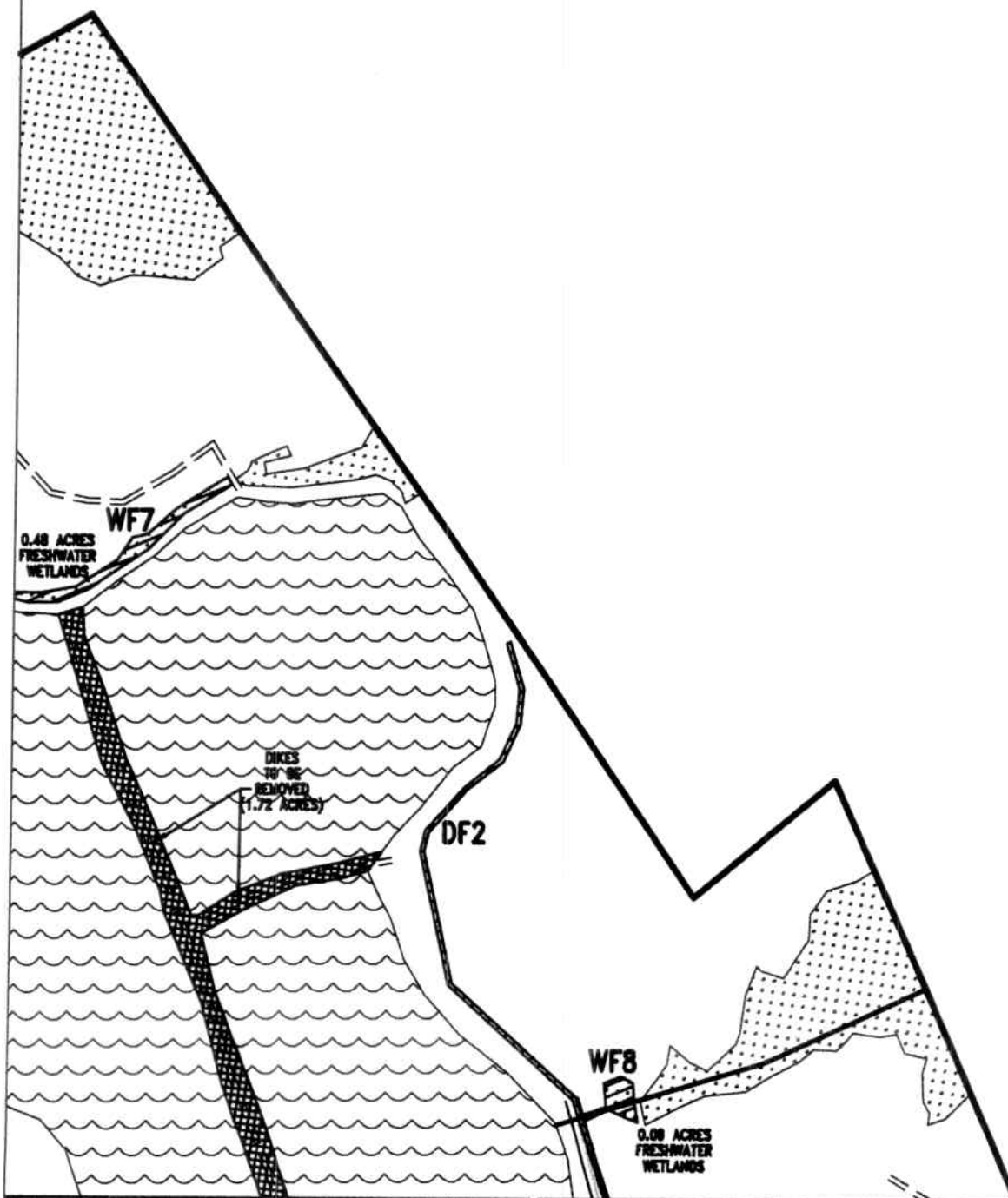
WF6, WF7, WF8, WF9, RC3, RC4
GLEBE MARTIN PLANTATION

1359th G.M. DISTRICT, CITY OF MIDWAY
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SHEET 5 OF 9

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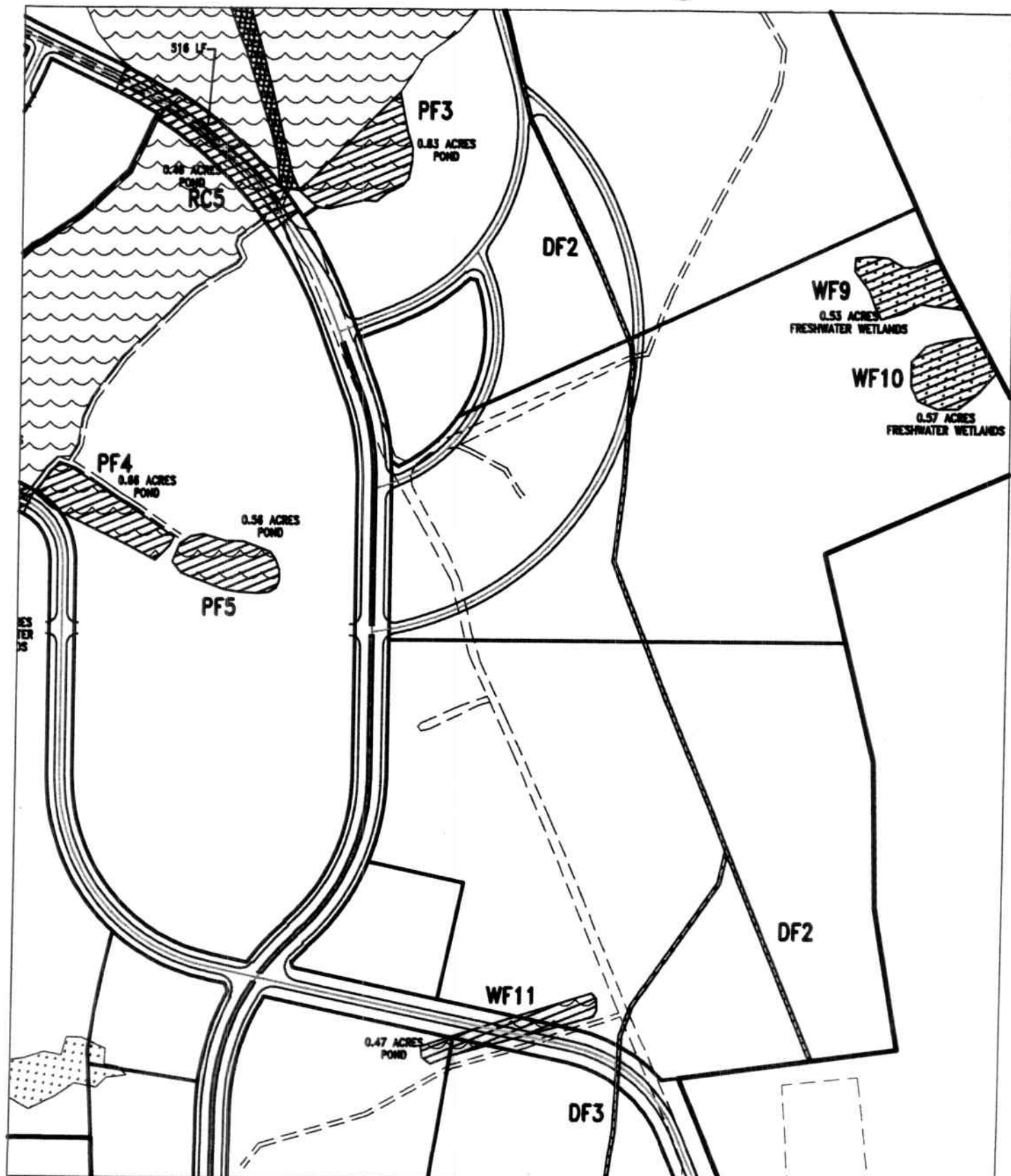
WF9 , WF10
GLEBE MARTIN PLANTATION

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SHEET 6 OF 9

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WF1, WF12, WF13, WF14, WF15, WF16, RC5
GLEBE MARTIN PLANTATION

1359th G.M. DISTRICT, CITY OF MIDWAY
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SHEET 7 OF 9

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WETLAND FILL (WF)

WF1	0.53	AC.
WF2	2.40	AC.
WF3	0.99	AC.
WF4	0.04	AC.
WF5	0.13	AC.
WF6	1.34	AC.
WF7	0.48	AC.
WF8	0.09	AC.
WF9	0.53	AC.
WF10	0.57	AC.
WF11	0.47	AC.

ROAD CROSSING (RC)

RC1	0.25	AC.
RC2	0.40	AC.
RC3 (POND)	0.24	AC.
RC4 (POND)	0.41	AC.
RC5	0.49	AC.

DITCH FILL (DF)

DF1	0.20	AC.
DF2	0.70	AC.
DF3	0.22	AC.

POND FILL (PC)

PF1	1.93	AC.
PF2	0.35	AC.
PF3	0.83	AC.
PF4	0.66	AC.
PF5	0.56	AC.

TOTAL = 11.90 AC.

TOTAL = 2.91 AC.

TOTALS

TOTAL TRACT AREA	380.11 AC.
PRESERVED FRESHWATER WETLANDS	39.96 AC.
TOTAL JURISDICTIONAL AREA IMPACTS	14.81 AC.

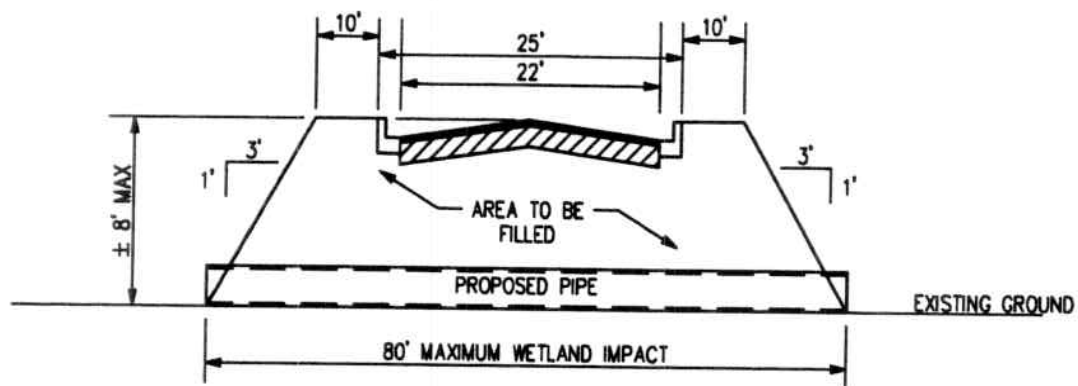
IMPACT SUMMARY SHEET
GLEBE MARTIN PLANTATION1359th G.M. DISTRICT, CITY OF MIDWAY
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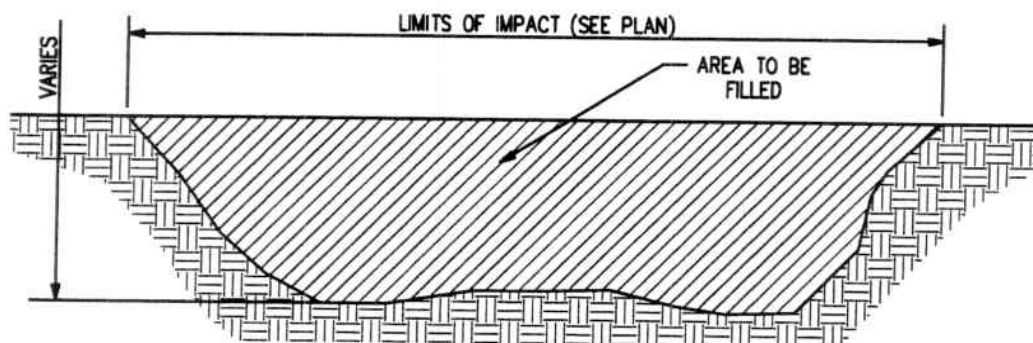
SHEET 8 OF 9



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ROAD CROSSINGS NOT TO SCALE



TYPICAL WETLAND FILL SECTION NOT TO SCALE

TOTAL WETLAND FILL = ±67,353 CDYS.

TYPICAL ROAD CROSSING SECTIONS GLEBE MARTIN PLANTATION

1359th G.M. DISTRICT, CITY OF MIDWAY
LIBERTY COUNTY, GEORGIA

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SHEET 9 OF 9

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RD-C CORRESPONDENCE ROUTING

PROJECT MANAGER: King DATE: 05/23/2007

SUSPENSE NUMBER & DATE: _____

REASON FOR EXPEDITIOUS HANDLING _____

SPECIAL INSTRUCTION(S): JPN for Mail out

RAMS / ORM#: 200501731 FILE NAME: Glebe Martin Plantation

JPN: Mail List County(ies) Liberty County

X Please Date Stamp

COPIES

X Other (Describe: **Please provide an additional 15 copies. Thanks!**)

ROUTING

(1) King (2) Wright
name initials date name initials date

(3) King (4) _____
name initials date name initials date

(5) _____ (6) _____
name initials date name initials date